



S-11-06

~~DAE~~ / ~~ZKA~~

Application No. (if known): 09/998,621

Attorney Docket No.: 03404/000K075-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV770097760-US

on May 9, 2006
Date

Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Renewed Petition for Withdrawal of Notice of Abandonment (3 pages)

Exhibit 1 - Copy of Decision of Petition (3 pages)

Exhibit 2 - Supplemental Declaration of Walter Norris (4 pages)

Exhibit 3 - Request for Withdrawal of Notice of Abandonment (3 pages)

Exhibit A - Copy of Notice of Abandonment (2 pages)

Exhibit B - Declaration of Edward Ellis (3 pages)

Exhibit C - Declaration of Walter Norris (3 pages)

Exhibit D - Copy of File Jacket (1 page)

Exhibit E - PATTSY printout (2 pages)

Return Postcard



Docket No.: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masato Takahashi et al.

Application No.: 09/998,621

Confirmation No.: 4928

Filed: November 30, 2001

Art Unit: 3727

For: SEALING ELEMENT, HERMETIC
CONTAINER AND SEALING METHOD
THEREOF

Examiner: Robin Annette HYLTON

RENEWED PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT
UNDER 37 CFR 1.181

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application received a DECISION ON PETITION dated April 27, 2006, (attached hereto as Exhibit 1) which was in response to Applicants' petition to withdraw the holding of abandonment dated March 24, 2006, (attached hereto as Exhibit 3) which was itself submitted in response to a NOTICE OF ABANDONMENT, mailed February 27, 2006 (copy enclosed as Exhibit A as part of Exhibit 3), advising that the above application has been abandoned due to Applicants' alleged failure to timely respond to an Office Action mailed June 6, 2005. However, Applicants never received this communication from the U.S. Patent and Trademark Office.

In the DECISION ON PETITION, the USPTO contends that the present application became abandoned as a consequence of a change of correspondence address and in particular, the USPTO records indicate the Office Action was mailed on June 6, 2005 to the correspondence address of record on this date, namely, Darby & Darby P.C., 805 Third Avenue, New York, NY

10022 and subsequently a change of correspondence address/customer number update was entered July 5, 2005 to update the customer number 7278 to reflect: Darby & Darby P.C., P.O. Box 5257, New York, NY 10150-5257. The USPTO is thus contending that this change in correspondence resulted in the abandonment of the present application. Applicants respectfully disagree for the following reasons.

Please enter this communication as a Renewed Petition to Withdraw Holding of Abandonment based on a Failure to Receive an Office Action (per MPEP 711.03(c)). The reason for this present Renewed Request to Withdraw Holding of Abandonment is that the present Applicants did not receive the Office Action mailed on June 6, 2005 prior to receiving the Notice of Abandonment and the change or correspondence filed July 5, 2005 is an immaterial fact since as set forth in the attached executed declaration (attached as Exhibit 2), mail that was at this time period (June 6, 2005), as well as mail that is currently, addressed to either Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 or Darby & Darby P.C., P.O. Box 5257, New York, NY 10150-5257 was and is delivered to the same office and was and is processed in the same manner as explained in detail in the attached declaration. The offices of Darby & Darby P.C., never physically changed location and there was no disruption in delivery of mail since both addresses are proper, active mailing addresses of Darby & Darby P.C. The attached declaration attests to this fact and therefore, Applicants have satisfied the requirements needed to show that Applicants never received the Office Action and therefore could not respond to this outstanding Office Action since Applicants had no awareness of the existence of the outstanding Office Action.

As set forth below in the Supplemental Declaration executed by Walter J. Norris, Records Department Manager at Darby & Darby P.C., (Exhibit 2) attesting to the fact that mail addressed to either of the above addresses is delivered to the same office and is processed by the same intake department in the same manner described in the prior Declaration of Walter J. Norris (copy enclosed as Exhibit C of Exhibit 3). Applicants thus only became aware of the outstanding Office Action after the application became abandoned and Applicants received the Notice of Abandonment. Thus, during the time period of June 6, 2005 and up until the current date, any mail that is addressed to 805 Third Avenue, New York, NY 10022 and that is actually delivered via US

mail is received by the mail intake (Records) department of Darby & Darby P.C. and is processed as described herein.

It is respectfully requested that the present submission of the executed declarations, along with the other exhibits, be considered and that the present submission and request be acted upon so as to result in the present application being reinstated and withdrawn from a holding of abandonment and the June 6, 2005 Office Action should be remailed with a new time period for Applicants to formally respond. Applicants respectfully request that they have been diligent in seeking withdrawal of the notice of abandonment since becoming aware of such fact.

It is believed that no additional fee is due since the present application did not become abandoned as a result of Applicants' conduct or inactivity. If for some reason, the USPTO believes that fees or charges are due in connection with the above-identified matter, authorization is hereby given to charge our Deposit Account No. 04-0100.

Applicants respectfully request the withdrawal of the Holding of Abandonment for the present application and that the enclosed response/submission be entered and the present application examined on the merits and the outstanding Office Action be reissued.

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: May 8, 2006

Respectfully submitted,

By _____
Edward J. Ellis

Registration No.: 40,389
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

DUE: JUNE 27, 2006
Docketed on 5/4 by DP for
Docketed without file

DARBY & DARBY, P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Edward J. Ellis

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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APR 27 2006
11-27-06

OFFICE OF PETITIONS

In re Application of :
Takahashi, et al. : DECISION ON PETITION
Application No. 09/998,621 :
Filed: November 30, 2001 :
Docket No.: 3404/OK075 :

This is a decision on the petition, filed March 24, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned September 7, 2005 for failure to timely submit a proper reply to the non-final Office action mailed June 6, 2005. The non-final Office action set a three (3) month statutory period for reply. Notice of Abandonment was mailed February 27, 2006.

Petitioners allege non-receipt of the Office communication mailed June 6, 2005.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office

communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In support of the petition, petitioners have provided a copy of the docket record where the Office communication would have been entered had it been received along with a statement from practitioner and practitioners' Records Department Manager that a search of the docket record and file jacket indicated that the Office communication was not received.

Petitioners arguments have been carefully considered by are not found convincing.

Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), petitioners are required to establish that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (See, MPEP 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. See, MPEP 711.03(c).

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing (specifically, the correspondence address as of June 6, 2005, the date of mailing of the Office action was: Peter C. Schechter, Darby & Darby P.C., 805 Third Avenue, New York, New York 10022). Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office as a change of correspondence address/customer number update was entered July 5, 2005, subsequent to the date of mailing of the Office action (Customer Number 7278 was updated July 5, 2005 to reflect: Darby & Darby P.C., P.O. Box 5257, New York, New York 10150-5257).

ALTERNATE VENUE

Petitioners are strongly urged to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR

1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Customer No.: 07278

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD
THEREOF

SUPPLEMENTAL DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.

2. I make this declaration in support of the RENEWED REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The request seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.

3. This declaration supplements the information contained in my previously submitted declaration dated March 24, 2006.

{W:\03404\000K075000\00733804.DOC [REDACTED] }

4. In the Decision on Petition dated April 27, 2006 (attached as Exhibit 1), the USPTO has dismissed the petition on the grounds that the USPTO is of the opinion that the application became abandoned as a consequence of a change of correspondence address as outlined on page 2 of the decision. The USPTO indicates that the Office records indicate that the communication was properly mailed to the correspondence address as of June 6, 2005 which was Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 and a change of correspondence address/customer number update was entered July 5, 2005, subsequent to the June 6, 2005 date of mailing the Office Action (customer number 7278 was updated July 5, 2005 to reflect a mailing address of Darby & Darby P.C., P.O. Box 5257, New York, New York, 10150-5257).

5. Prior and subsequent to June 5, 2005 and to the present date, the offices of Darby & Darby P.C. have been located at 805 Third Avenue, New York, NY 10022.

6. Prior and subsequent to the mail date of June 5, 2005 and up until the current date, mail that is addressed to Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 was and is still delivered to our offices at the same address and is received and processed by the Records Department of the law firm. Accordingly, mail that is addressed to either "Darby & Darby P.C., 805 Third Avenue, New York, NY 10022" or "Darby & Darby P.C., 805 Third Avenue, New York, NY 10022" is delivered to the same location, namely, our offices at 805 Third Avenue, New York, NY 10022 and ***is processed in the same manner*** which is set forth in my declaration dated March 24, 2006, regardless of whether the mail is addressed to 805 Third Avenue, New York, NY 10022 or to 805 Third Avenue, New York, NY 10022 in that it is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of {W:\03404\000K075000\00733804.DOC [REDACTED] }

the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

7. As set forth in my March 24, 2006 declaration, I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: May 8, 2006

Walter J. Norris
Walter J. Norris

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

Atty Docket No.: 03404/000K075-US

Inventor: Masato Takahashi et al.

Appln: 09/998,621 **Filed:** Nov. 30, 2001

Title: SEALING ELEMENT, HERMETIC CONTAINER AND
SEALING METHOD THEREOF

Documents:

- Request for Withdrawal of Notice of Abandonment (3 pages)
- Exhibit A - Copy of Notice of Abandonment (2 pages)
- Exhibit B - Declaration of Edward Ellis (3 pages)
- Exhibit C - Declaration of Walter Nomis (3 pages)
- Exhibit D - Copy of File Jacket (1 page)
- Exhibit E - PATTSY printout (2 page)
- Certificate of Express Mailing (1 page)

Via: Express Mail *77 8823777 - us*

Sender Initials: EJE/rag Date: March 24, 2006

BWL

Application No. (if known): 09/998,621

Attorney Docket No.: 03404/000K075-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. in an envelope addressed to:

ES 778823777-45

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 24, 2006
Date



Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request for Withdrawal of Notice of Abandonment (3 pages)
Exhibit A - Copy of Notice of Abandonment (2 pages)
Exhibit B - Declaration of Edward Ellis (3 pages)
Exhibit C - Declaration of Walter Norris (3 pages)
Exhibit D - Copy of File Jacket (1 page)
Exhibit E - PATTSY printout (2 pages)
Return Postcard

Docket No.: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masato Takahashi et al.

Application No.: 09/998,621

Confirmation No.: 4928

Filed: November 30, 2001

Art Unit: 3727

For: **SEALING ELEMENT, HERMETIC
CONTAINER AND SEALING METHOD
THEREOF**

Examiner: Robin Annette HYLTON

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application received a NOTICE OF ABANDONMENT, mailed February 27, 2006 (copy enclosed as Exhibit A), advising that the above application has been abandoned due to Applicants' alleged failure to timely respond to an Office Action mailed June 6, 2005. However, Applicants never received this communication from the U.S. Patent and Trademark Office.

Please enter this communication as a Request to Withdraw Holding of Abandonment based on a Failure to Receive an Office Action (per MPEP 711.03(c)). The reason for this present Request To Withdraw Holding of Abandonment is that the present Applicants did not receive the Office Action mailed on June 6, 2005 prior to receiving the Notice of Abandonment and therefore could not respond to this outstanding Office Action since Applicants had no awareness of the existence of the outstanding Office Action.

The Patent Office is respectfully advised that on March 14, 2005, Applicants submitted pursuant to 37 C.F.R. § 1.10, *inter alia*, a Request for Continued Examination (RCE) along with an Amendment in Response to a Final Office Action, and Check No. 7934 for \$790 to cover the RCE fee. These papers were received and acted on by the Examiner who then subsequently mailed the Office Action on June 6, 2005. However, the next communication that the Applicants received after filing the RCE was the Notice of Abandonment dated February 27, 2006.

As set forth below in the Declarations of Edward J. Ellis (copy enclosed at Exhibit B) and Walter J. Norris (copy enclosed at Exhibit C), Applicants only became aware of the outstanding Office Action after the application became abandoned and Applicants received the Notice of Abandonment.

The declaration signed by Walter J. Norris, Records Department Manager at Darby & Darby P.C., (Exhibit C) describes the procedure followed by our Records Department in the handling of all mail received from the Patent Office.

It is respectfully requested that the present submission of the executed declarations, along with the other exhibits, be considered and that the present submission and request be acted upon so as to result in the present application being reinstated and withdrawn from a holding of abandonment and the June 6, 2005 Office Action should be remailed with a new time period for Applicants to formally respond. Applicants respectfully request that they have been diligent in seeking withdrawal of the notice of abandonment since becoming aware of such fact.

It is believed that no additional fee is due since the present application did not become abandoned as a result of Applicants' conduct or inactivity. If for some reason, the USPTO believes that fees or charges are due in connection with the above-identified matter, authorization is hereby given to charge our Deposit Account No. 04-0100.

Applicants respectfully request the withdrawal of the Holding of Abandonment for the present application and that the enclosed response/submission be entered and the present application examined on the merits and the outstanding Office Action be reissued.

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: March 24, 2006

Respectfully submitted,

By
Edward J. Ellis

Registration No.: 40,389
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

E. Ellis

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,621	11/30/2001	Masato Takahashi	3404/OK075	4928

7278 7590 02/27/2006
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER
HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
3727	

DUE: *PETITION To Revive*

Docketed on _____ by _____ for

DATE MAILED: 02/27/2006

Docketed without file

Attorney *[Signature]*

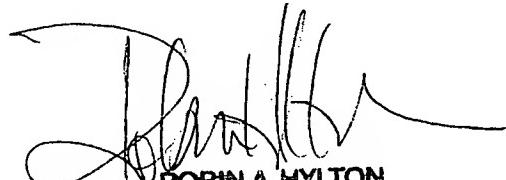
Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)
	09/998,621	TAKAHASHI ET AL.
	Examiner Robin A. Hylton	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2005.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:



ROBIN A. HYLTON
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Customer No.: 07278

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD
THEREOF

DECLARATION OF EDWARD J. ELLIS

Edward J. Ellis declares and says:

1. I am an attorney of record in the above identified application.

2. I make this declaration in support of the REQUEST TO WITHDRAW

HOLDING OF ABANDONMENT. The REQUEST which seeks (a) withdrawal of the NOTICE
OF ABANDONMENT mailed on February 27, 2006, in the above-referenced application and (b)
to have the Office Action dated June 6, 2005 remailed to the Applicants.

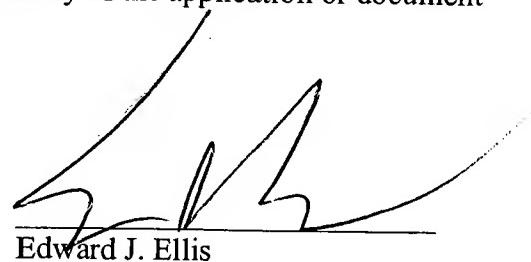
3. Upon receiving this Notice of Abandonment, I checked the file jacket of
the present application for the existence of the Office Action dated June 6, 2005 and did not
locate such Office Action in the file jacket.

4. A docket sheet (enclosed as Exhibit D) for the present application which is located on the front cover of the file jacket for the application was also checked to see if any entry was made showing receipt of the June 6, 2005 Office Action and the entry of a deadline to file a response to the Office Action. No such docket entry was found but instead, the docket sheet only shows that the RCE was filed on March 14, 2005 as a response to the Final Office Action (see highlighted section on the docket sheet enclosed as Exhibit D) and then an entry entitled "Petition to Revive" was entered with a base date of February 27, 2006 to evidence the mail date and receipt of the Notice of Abandonment.

5. After receiving the Notice of Abandonment, I checked the public PAIR system that is operated at the USPTO.GOV website, at which time and for the first time, the June 6, 2005 Office Action was uncovered and viewed.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006



Edward J. Ellis

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

{W:\03404\000K075000\00693468.DOC [REDACTED] }

Customer No.: 07278

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD
THEREOF

DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.
2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.
3. On information and belief and based on a review of the file jacket of the present application and the docket sheet for the present application, the June 6, 2005 Office Action was not received by Darby & Darby P.C.
{W:\03404\000K075000\00692761.DOC [REDACTED] }

4. It is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

5. All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. (To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received.) The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing of its due date on the cover of the hard file, as well as in the firm's hard docketing ledgers.

6. I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database (enclosed as Exhibit E) for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued

{W:\03404\000K075000\00692761.DOC [REDACTED] }

Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application (Exhibit D) likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

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03404 / 000K075-US0

PRINTED ON Wednesday, March 08, 2006

Fujimoto Patent & Law Office

Last Updated By: DBP

Application No.: 09/988,621

Client Ref. No.: FPA1-143-USPAP133

Filing Date: 11/30/2001

Status: PUBLISHED

Application Type: UTL

Publication No.:

Examiner Name:

Publication Date: 12/26/2002

Group Art Unit:

Patent No.:

Confirmation No.:

Issue Date:

Title of Invention: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF

Small Entity: no

Assignment: R/F: 012339/0348 TOKYO, JAPAN & HYOGO, JAPAN

Assignee(s): Shin-Etsu Polymer Co., Ltd.
Mitsubishi Cable Industries, Ltd.Inventor(s): Takahashi, Masato
Fujimori, Yoshiaki;
Azuma, Yoshio
Nishimura, Yasuyuki
Horita, Naohiro

ACTION

BASE

DUE

EXTNS

FINAL

EXT

RESPONSE CALL UP

PETITION TO REVIVE	2/27/2006	2/27/2006		2/27/2006	0	0/M
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DELIVER FILE TO DKTG	3/14/2005	8/14/2005		8/14/2005	0	1/M
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NOTICE OF APPEAL	12/14/2004	6/14/2005	3	1	6/14/2005	0	3/14/2005	3/M
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FINAL REJECTION	12/14/2004	3/14/2005	3	1	6/14/2005	0	3/14/2005	1/M
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RESPONSE TO OA	6/16/2004	9/16/2004	3	1	12/16/2004	1	9/16/2004	1/M
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DRAWING REQUIREMENT	6/16/2004	9/16/2004	3	1	12/16/2004	3	9/16/2004	1/M
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NOTICE OF APPEAL	8/12/2003	2/12/2004			2/12/2004	0	2/11/2004	3/M
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FINAL REJECTION	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004	1/M
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DRAWING REQUIREMENT	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004	1/M
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FEE FORMALS???	NT	3/3/2003	1/13/2003	3	1	1/13/2003	0	2/11/2004	1/M
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Priority Claimed

G/8/01

Docs. Fwd.

11/30/01

PTO Ack.

3/12/03

O/S

DARBY & DARBY, P.C.

PATTSY 1/21

Darby#

000K075-US0

PRINTED ON: 3/23/2006

COUNTRY	US	UNITED STATES		TITLE		PRIOR	6/8/2001	
NEW/CON	CEQ	SERIAL#	09/998,621	SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF		MAIL	11/30/2001	
RELATED	n/a	PATENT#				FILE	11/30/2001	
TYPE	UTL	STATUS	PUBLISHED			PUBL	12/26/2002	
CLIENT	03404	Fujimoto Patent & Law Office		1	CREF	FPA1-143-USPAP133	ISSUE	
AGENT					AREF		1ST	11/30/2001

(2) REFS.

FR	N	FINAL REJECTION	12/14/2004	3 M	3/14/2005	3 1	6/14/2005	0	3/14/2005	1 M	YY N
NA	N	NOTICE OF APPEAL	12/14/2004	6 M	6/14/2005		6/14/2005	0	3/14/2005	3 M	YY N
DK	N	DELIVER FILE TO DKTG	3/14/2005	5 M	8/14/2005		8/14/2005	0		1 M	NY N
VV	N	PETITION TO REVIVE	2/27/2006	0 M	2/27/2006		2/27/2006	0		0 M	YY N

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 Honita, Naohiro

ASSIGNEES

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 Mitsubishi Cable Industries, Ltd.

USER-DEFINABLE FIELDS

TEXT 1

TEXT 2

Old#

OK075US0

PATENT FIELDS

SMALL ENTITY

no

ART UNIT

CLAIMS

EXAMINER

PUBLICATION#

CONFIRM#

P11845US00

ENTERED

11/27/2001

MODIFIED

3/8/2006

BY

DBP

PAY

ATTORNEYS

PCS

/ AAA

/ HL

/ EJE

FILE LOCATION

FILE/SUBFILE#	LOC
OK075US0	RAGIB
000K075-US0	EJE
000K075-US0R1	FILE